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FILED

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DEPARTMENT OF REAL ESTATE

K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

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12
13 In the Matter of the Accusation of)
14 KELLY JOHNSON,) No. H-11203 SF
15 Respondent.) ACCUSATION
16 _____)

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18 The Complainant, E. J. HABERER II, a Deputy Real Estate Commissioner of the
19 State of California, for cause of Accusation against KELLY JOHNSON (“Respondent”) is
20 informed and alleges as follows:

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22 The Complainant makes this Accusation in his official capacity.

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24 Respondent is presently licensed and/or has license rights under the Real Estate
25 Law, Part 1 of Division 4 of the Business and Professions Code (“the Code”) as a real estate
26 salesperson. At no time mentioned, was Respondent licensed by the Department of Real Estate
27 as a real estate broker.

1 3

2 At all times mentioned, Respondent performed services for one or more
3 borrowers and negotiated to do one or more of the following acts for another or others, for or in
4 expectation of compensation: negotiate one or more loans for, or perform services for,
5 borrowers and/or lenders with respect to the collection of advance fees and loan modification,
6 loan refinance, principal reduction, foreclosure abatement or short sale services and/or those
7 borrowers' lenders in connection with loans secured directly or collaterally by one or more
8 liens on real property; and charged, demanded or collected an advance fee for any of the
9 services offered.

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11 On or about August 7, 2009, Respondent solicited and collected an advance in
12 the amount of \$3,500 from Jimenez Gomez ("Gomez") and Maria Gomez Preciado
13 ("Preciado") for loan modification services related to real property located at 1629 Dunn
14 Avenue, Richmond, California. Respondent never obtained a loan modification for and has
15 never refunded the advance fees paid by Gomez and Preciado.

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17 In conjunction with the solicitation of an advance fee from Gomez and Preciado,
18 Respondent represented that she was a "Realtor" employed by Century 21 Pinnacle. In fact,
19 Respondent's employment had been terminated by Century 21 Pinnacle on or about
20 December 22, 2008.

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22 By the commission of the acts alleged in Paragraphs 4 and 5, above, Respondent
23 engaged in the business and acted in the capacity of a real estate broker within the State of
24 California as defined by Sections 10130 (broker license requirement) and 10131(d) (performing
25 services for borrowers and/or lenders in connection with loans secured by real property) of the
26 Code. Such acts and/or omissions are grounds for the suspension or revocation of the license
27 and license rights of Respondent under Sections 10085 (prior approval of advance fee

